

**Public Policy Position
HB 4640**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,699 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On June 5, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 20 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 1 member did not vote.

Oppose

Explanation:

This bill would modify the definition of "neglect" to include "threat of harm". However, "threat of harm" is already included in the definition of "child abuse" under the Act, as is "mental injury". It's unclear how "threat of harm" could reasonably be categorized as "neglect". A "threat of harm" would remove the conduct from the context of "negligent treatment" as defined in 722.602(d), and make it, by definition, non-accidental, which is covered under the definition of "child abuse" in 722.602(b). Moreover, the Family Law Section is concerned that this could become a slippery slope when discussing "threat of harm" in the context of neglect, and could be applied too broadly. Threat of harm is already sufficiently addressed under the Act.

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